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Attorneys for Defendants
GIGANEWS, INC., and
LIVEWIRE SERVICES, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

PERFECT 10, INC., a California
corporation,

Plaintiff,

v.

GIGANEWS, INC., a Texas Corporation;
LIVEWIRE SERVICES, INC., a Nevada
corporation; and DOES 1 through 100,
inclusive,

Defendants.

GIGANEWS, INC., a Texas Corporation;
LIVEWIRE SERVICES, INC., a Nevada
Corporation,

Counterclaimants,

v.

PERFECT 10, INC., a California
Corporation,

Counterdefendant.

Case No.: 11-cv-07098-AB (SHx)

DISCOVERY MATTER
Before Hon. Stephen J. Hillman

**AMENDED [PROPOSED] ORDER
ON GIGANEWS, INC. AND
LIVEWIRE SERVICES, INC.'S
MOTION TO COMPEL
DISCOVERY COMPLIANCE AND
FOR SANCTIONS**

AMENDED [PROPOSED] ORDER ON
MOTION TO COMPEL DISCOVERY
COMPLIANCE AND FOR SANCTIONS

CASE NO. 11-cv-07098-AB (SHx)

1 Having considered the Joint Stipulation on Giganews, Inc. and Livewire
 2 Services, Inc.'s Motion to Compel Discovery Compliance and For Sanctions, and
 3 good cause appearing therefor, the Court hereby GRANTS the motion IN PART.

4 The Court finds that:

5 Perfect 10 failed to comply with this Court's discovery orders of March 17,
 6 2014 (Dkt. 223), April 24, 2014 (Dkt. 254); June 5, 2104 (Dkt. 311); and June 23,
 7 2014 (Dkt. 326).

8 Each of the Perfect 10-affiliated witnesses (Craig Yamato, Eileen Koch,
 9 Jennifer McCall, Sean Chumura, Szabolcs Apai, Melanie Poblete, and Wendy
 10 Augustine), relying on Perfect 10's counsel, failed to comply with this Court's
 11 discovery orders of June 5, 2014 (Dkt. 312); June 18, 2014 (Dkt. 320); and July 8,
 12 2014 (Dkt. 342).

13 IT IS THEREFORE ORDERED that:

14 Perfect 10 and each of the Perfect 10-affiliated witnesses (Craig Yamato,
 15 Eileen Koch, Sean Chumura, Szabolcs Apai, Melanie Poblete, and Wendy
 16 Augustine) shall pay Defendants' reasonable attorneys' fees and costs incurred in
 17 connection with the following:

- 18 1. The two previous motions that Defendants filed and the resulting
 19 Orders of this Court—Dkt. 322 [Yamato Compliance Order] and Dkt.
 20 342 [Third-Party Witness Compliance Order];¹
- 21 2. This motion for sanctions that Perfect 10's and the Third-Party
 22 Witnesses' conduct has necessitated; and

23 Perfect 10 and each of the Perfect 10-affiliated witnesses will be jointly and
 24 severally liable for these amounts. Within fourteen (14) days of this Order,
 25 Defendants will file an application for attorneys' fees and costs based on detailed
 26

27 ¹ In deciding this Order, the Court stated that "[s]anctions are deferred until there is
 28 full compliance with this Order." Dkt. 342 at 6, ¶9.

1 declarations and time sheets demonstrating the amounts that Defendants incurred
2 and their reasonableness. Within fourteen (14) days of Court's further order
3 establishing the amount of monetary sanctions, Perfect 10 and the Perfect 10-
4 affiliated witnesses shall post a bond in that amount to insure payment of such
5 monetary sanctions to Defendants.

6
7
8 **IT IS SO ORDERED.**

9
10 Dated: _____

STEPHEN J. HILLMAN
United States Magistrate Judge

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